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PATENT
Attorney Docket No. P06287US00
PHI 1330

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTEE: HOFFBECK, Mark David
PATENT NO: 6,717,040
ISSUED: April 6, 2004
TITLE: INBRED MAIZE LINE PH5W4

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 CFR § 1.322(a))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTN: Decision and Certificate of Correction
Branch of the Patent Issue Division

Certificate
JUL 21 2004
of Correction

Dear Sir:

Attached, in duplicate, is Form PTO-1050, with at least one copy being suitable for printing.

The exact page and line number where the errors are shown correctly in the application file are: page 2, lines 4-12, 14, 17 and 20; page 3, lines 16 and 27; page 4, line 16; page 5, line 28; and page 7, lines 6, 19 and 20 of the Second Supplemental Amendment After Final filed September 15, 2003.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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☒ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

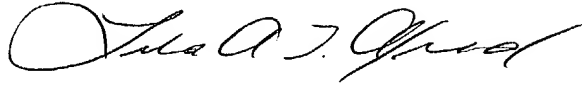
FACSIMILE
☐ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-_____.

Date: 7/15/04

LILA A. T. AKRAD

Please send the Certificate to: Lila A. T. Akrad, McKee, Voorhees & Sease, P.L.C., 801
Grand Avenue, Suite 3200, Des Moines, IA 50309-2721.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lila A. T. Akrad". The signature is fluid and cursive, with a large initial "L" and a stylized "A".

Lila A. T. Akrad, Reg. No. 52,550
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
CUSTOMER NO: 27142
Attorneys of Record

- pw -

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,717,040 *61*
DATED : April 6, 2004
INVENTOR(S) : HOFFBECK, Mark David

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 39, lines 2-26:

Applicant has made a deposit of at least 2500 seeds of Inbred Maize Line PH5W4 with the American Type Culture Collection (ATCC), Manassas, Va. VA 20110 USA, ATCC Deposit No. PTA-4434. The seeds deposited with the ATCC on ~~Jun.~~ June 4, 2002 were taken from the deposit maintained by Pioneer ~~HI-Bred~~ Hi-Bred International, Inc., 800 Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340 since prior to the filing date of this application. Access to this deposit will be available during the pendency of the application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. Upon allowance of any claims in the application, the Applicant will make the deposit available to the public pursuant to 37 C.F.R. § 1.808. This deposit of the Inbred Maize Line PH5W4 will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the effective enforceable life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has satisfied all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample. Applicant imposes no restrictions on the availability to the public of the deposited material from the ATCC; however, Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of his their rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). U.S. Plant Variety Protection of Inbred Maize Line PH5W4 has been applied for under Application No. 200100244.

MAILING ADDRESS OF SENDER:

PATENT NO. 6,717,040 *61*

Page 1

Lila A. T. Akrad, Reg. No. 52,550
McKee, Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
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This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,717,040 ^{B1}
DATED : April 6, 2004
INVENTOR(S) : HOFFBECK, Mark David

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 39, line 46:

5. Protoplasts produced from the tissue culture of claim 4.

Column 39, line 56:

8. A method for producing ~~[[a]]~~ an F1 hybrid maize seed, comprising crossing the plant of claim 2 with a different maize plant and harvesting the resultant F1 hybrid maize seed.

Column 40, line 3:

13. The maize plant of claim 12, wherein the transgene confers resistance to an herbicide selected ~~on~~ from the group consisting of: imidazolinone, sulfonyleurea, glyphosate, glufosinate, L-phosphinothricin, triazine and benzonitrile.

Column 40, line 41:

(a) crossing PH5W4 plants grown from PH5W4 seed, representative seed of which has been

Column 41, line 17:

(a) ~~[[a]]~~ crossing PH5W4 plants grown from PH5W4 seed,

Column 42, line 12:

cross progeny plants that ~~comprises~~ comprise said nucleic acid molecule and have all of the physiological and morphological ~~characterizes~~ characteristics of maize inbred line PH5W4

MAILING ADDRESS OF SENDER:

PATENT NO. 6,717,040 B1

Page 2

Lila A. T. Akrad, Reg. No. 52,550
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No. of additional copies



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

TO: MAJ On (note date): 7/22/04, Pat. No. 6 717 040 (B)
Team Leaders Initials
INFO SUPPLIED BY: TPS OAC/LDRC Initials
09, 759, 762

SECOND REQUEST (DIFFERENT CORRECITONS), SUPERSEDE OR RECONSIDERATION
(OAC OR LDRC, USE A RED PEN FOR COMPLETING INFO, ON THIS COVER SHEET) (11/2002 cbn)

Team Leader, an Office Automation Clerk may assist you by supplying data from CofC Database (Current & History), PALM, and copies from Intranet, to determine type of request (second request, supersede, and/or reconsideration) and to determine if there were any errors made in decisions and/or publishing are attributable. Team Leader, check appropriate boxes below, key record (if necessary) and forward to JCWS, to order file and assign file to an LIE, to EXPEDITE.

Team Leader, DO NOT ORDER FILE.

MRD (for request attached to this cover sheet): 7 119 104 (Team Leader have LDRC, stamp same MRD on 1050s.)

File Charged to (in PALM): _____ Date Charged to Loc.: / /

Information re most recent record in CofC database (Check Current & History)

MRD: 6 1 7 1 2004 Examiner (LIE's initials): _____

Date Assigned: / / Turned In: / /

CofC Issued: / / CofC Denied: / / Updated: Y / N Date: / /

Patent number listed on C of C listing in OG ((circle one) Y / N

CofC Issued for this record is attached to patent on Internet (circle one) Y / N

New/different correction(s) requested. Check Intranet or with RTIS. (circle one) Y / N

☐ Duplicate (same heading and corrections published/issued CofC on Intranet. (circle one) Y / N

☐ Substitute or corrected request. Locate the original request (check with JCWS and RTIS).

☐ Second Request (another) requesting new/different corrections or additional corrections. **TEAM LEADER, DO NOT ORDER FILE. If necessary, call attorney/applicant for assistance in determining if new/different corrections. Team Leader, key new a record on: / /. Place and count with**

CofCs keyed, same week, determine and note in to upper right hand corner if "P", "R", or "RTC".

Mark through any corrections on 1050, that were appropriately published; or JCWS assign to: _____

☐ Reconsideration ☐ Supersede ☐ Special CofC ☐ Erratum ☐ Expedite CofC

Team Leader, determine if a Request for a Corrected CofC (Supersede) or Reconsideration, due to error in decisions or keying, attributable to (check the appropriate box, below):

☐ RTIS
Keying Error

☐ LIE: _____
LIE Processing or
Decision Error

☐ OFFICE
Error in Entry of Document
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1.323. Consideration
or Petition Required

If errors are attributable to LIE, use guidelines for appropriately notifying the LIE and recording errors (make copies supporting that the LIE made error, attach copies to this cover sheet, keeping copies for your records, and forward copies to CBN, at the end of each month).

☐ JW or OL, locate request for CofC published on: / / and return to: _____
(Circle OAC Initials)

☐ Team Leader keyed record on on: _____ ☐ Post card Printed by Tasneem
(Team Leaders, give all second requests to Tasneem, to print a post card.)

☐ JCWS, order file and assign or reassign to LIE/to: _____/LIE, see your Team Leader for assistance.

Comments/ Instructions: AD Please locate 1st request match with one.

☒ SEE REVERSE SIDE, FOR ADDITIONAL COMMENTS/INSTRUCTIONS

(Revised 12/15/2003 cbn) #4

Let me know if you do not find
it, maybe